

Mathew K. Higbee, Esq.
SBN 11158
HIGBEE & ASSOCIATES
1504 Brookhollow Dr., Suite 112
Santa Ana, CA 92705
(714) 617-8352
Attorneys for Plaintiff, Kathryn Durst

Carlos Alsina, Esq.
Admitted *Pro Hac Vice*
THE LAW OFFICES OF JEFFREY LOHMAN, P.C.
4740 Green River Rd., Suite 310
Corona, CA 92880
(657) 363-3331
Attorneys for Plaintiff, Kathryn Durst

DICKINSON WRIGHT PLLC
Taylor Anello
Nevada Bar No. 12881
Email: tanello@dickinson-wright.com
8363 West Sunset Road, Suite 200
Las Vegas, Nevada 89113-2210
Tel: (702) 550-4400
*Attorneys for Defendant Capital One Bank
(USA) N.A.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Kathryn Durst, an individual,

Case Number: 3:18-cv-00265-LRH-WGC

Plaintiff.

**STIPULATION OF VOLUNTARY
DISMISSAL PURSUANT TO
FED.R.CIV.P. 41(a)(1)(A)(ii), WITH
PREJUDICE**

Defendant

NOW COME, Plaintiff, Kathryn Durst, and Defendant, Capital One Bank (USA), N.A., through their respective undersigned attorneys, and respectfully state and pray:

1. On June 6, 2018, Plaintiff filed the complaint in this case (Dkt. 1).
2. On August 14, 2018, Defendant answered the complaint (Dkt. 15).

1 3. Federal Rule of Civil Procedure 41 provides, in relevant part:

2 (a) Voluntary Dismissal.

3 (1) *By the Plaintiff.*

4 (A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any
5 applicable federal statute, the plaintiff may dismiss an action without a court order
6 by filing:

7 (i) a notice of dismissal before the opposing party serves either an answer or a
8 motion for summary judgment; or

9 **(ii) a stipulation of dismissal signed by all parties who have appeared.**

10 (B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is
11 without prejudice. But if the plaintiff previously dismissed any federal-or state-
12 court action based on or including the same claim, a notice of dismissal operates
13 as an adjudication on the merits.”

14 Fed.R.Civ.P. 41, 28 U.S.C. (emphasis added).

15 4. The parties have settled the instant matter through private agreement.

16 5. Pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii), the parties respectfully stipulate to the
17 voluntary dismissal of the Complaint, with prejudice.

18 **WHEREFORE**, the parties respectfully request this Honorable Court to GRANT the
19 instant request for voluntary dismissal of the present case with prejudice.

20 RESPECTFULLY SUBMITTED on January 10, 2019.

21 Dated this 10th day of January, 2019.

22 By: /s/ Mathew K. Higbee

23 Mathew K. Higbee, Esq., SBN 11158
HIGBEE & ASSOCIATES
1504 Brookhollow Dr., Suite 112
Santa Ana, CA 92705
(714) 617-8352

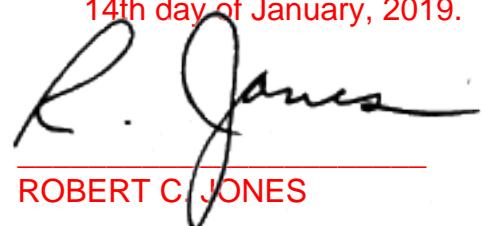
24 By: /s/ Carlos C. Alsina

25 Carlos Alsina, Esq.
Admitted *Pro Hac Vice*
THE LAW OFFICES OF JEFFREY
LOHMAN, P.C.
4740 Green River Rd., Suite 310
Corona, CA 92880
(657) 363-3331
Attorneys for Plaintiff Kathryn Durst

26 By: /s/ Taylor Anello

27 Taylor Anello, Esq.
Nevada Bar No. 12881
DICKINSON WRIGHT PLLC
8363 West Sunset Road, Suite 200
Las Vegas, Nevada 89113-2210
*Attorneys for Defendant Capital One Bank
(USA) N.A.*

28 IT IS SO ORDERED this
14th day of January, 2019.


ROBERT C. JONES